

IEDA

2200 Powell Street, Suite 1000, Emeryville, California 94608

November 17, 2011

Mr. Les Chisholm
Division Chief
California Public Employee Relations Board

Delivered via electronic mail to

Dear Mr. Chisholm:

Thank you for the opportunity to review the drafts of PERB's proposed emergency regulations on AB 646. Following are comments for your consideration:

At the November 8, 2011 meeting there were several questions regarding the process of selecting a fact-finder and timelines for completing the fact-finding within the 30 days identified in the legislation. It is our understanding that when PERB appoints a fact-finder, they get assurance from the fact-finder that the 30-day requirement can be met.

The concern is that fact-finders may not be available when needed, thus extending the process for weeks or months. It would be helpful to include in the regulations some type of provision for the parties to select a fact-finder who is available or able to complete the fact-finding within a specific time frame.

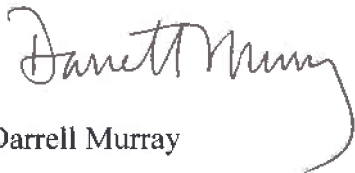
On the minimum requirements of a public hearing regarding the impasse under 3505.7, it would be helpful to note that in instances where agencies have duly adopted impasse procedures in place via their Employer-Employee Relations (EER) resolution, that the agency's procedures prevail if they do not specifically conflict with the requirements of the new legislation.

As noted, the legislation is ambiguous on whether mediation is a mandatory step before fact-finding. The consensus seemed to be that this issue would be settled either through litigation or

additional legislation. To the extent PERB could suggest clean-up legislation this option would be preferable to costly litigation.

We appreciate your considering these comments. Please contact me at 510-761-9148 if you have any questions.

Yours very truly,

A handwritten signature in cursive script, reading "Darrell Murray". The signature is written in dark ink and is positioned above the printed name.

Darrell Murray

C: Bruce Heid